

REMARKS

Grammatical changes have been made to claim 1 with support for the particle board or the fiber board being found in the specification, page 5, last line.

Reconsideration of the previous rejection of claims 1-6, and 11-15 under 35 U.S.C. 103 (a) as being unpatentable over Chen et al (U.S. Patent Publication 2004/0086678A1) is respectfully requested in view of the following comments. It is alleged by the Examiner that Chen et al discloses a method of making a decorative element by providing a core with a "textured surface, applying a design layer, applying a protective wear layer made up of a thermosetting resin, and curing the combination so that the layers are bonded together".

This is not so.

The claimed invention is a laminating process in which a core material with a surface structure is provided upon which a decorative surface layer is applied onto the structured surface of the core, an protective wear layer is applied on the decorative surface layer, and the core material of the decorative layer and the wear layer are pressed under increased pressured temperature in the laminate press, so that the resin cures and the different layers are bonded to one another.

Chen et al. is not even a laminating process.

Rather, Chen et al. merely applies coatings onto a core and lets the coatings dry or cure without either elevated temperature or pressure as in the claimed process. In summary, the Chen et al publication is nothing more than painting a roughened substrate with a radiation curable material, such as applying paint to the surface of the substrate in the presence of the sun.

By contrast, the claimed process is directed to laminating layers in a lamination press in which increased pressure and temperature are applied to each of the recited layers so as to bond the layers together, and cure the resin by means of elevated heat and pressure. Chen et al does not require any lamination and thus there is no reason to use pressure in the process

of Chen et al. While the Examiner now states that "it would have been obvious to one skilled in the art that the time the invention was made to use a platen press with increased pressure and temperature to cure the wear layer while embossing it..." such is not at all the process of Chen et al, and Chen et al is not concerned with such process. Rather, Chen et al is merely coating a radiation curable material on a roughened substrate or core, and his upper wear layer has no embossing applied. Thus, the Examiner's entire basis for his statement of obviousness is based on a hindsight reconstruction of the claimed invention, utilizing applicant's own disclosure and the purposes desired therein as a basis obviousness when the reference is completely silent on either the features and/or means of obtaining the same and is concerned with a completely different process. For the foregoing reasons Chen et al cannot possibly establish a prima facie case of obviousness for the claimed invention.

Reconsideration of the previous rejection of claims 7-10 under 35 U.S.C. 103 (a) as being unpatentable over Chen et al as applied above and further in view of Chen et al (U.S. Patent 6,617,009); or the rejection of claims 13 and 14 under 35 U.S.C. 103 (a) as being unpatentable over Chen et al as applied to claim 1 above and further in view of "the admitted prior art" is respectfully requested.

All of these dependent claims are directly or indirectly dependent upon claim 1, and the defects of the Chen et al publication have been discussed above.

The Chen et al patent is directed to a thermoplastic core material such a polyvinylchloride which is known to have a melt temperature of 360°-390° degrees F; See column 4, lines 35 to column 5 to line 35.

By contrast, the claimed process utilizes a core material comprising particle board or fiber board (support found in the last sentence on page 5 of the specification) which is quite unlike a thermoplastic core as in Chen et al patent. If the Chen et al core were placed in the laminating press of the claimed invention (and not shown by the Chen et al publication) deformation of the core would occur during the lamination process. Furthermore, the Chen

et al patent takes a prelaminated, and pre-embossed plurality by layers and adhesively attaches it to a core, not by laminating in a laminating press under elevated heat and pressure, but rather through the use of adhesive which is "wrapped" about the core at temperatures below the melting point of the core material, see column 9, lines 37 to column 10, lines 10. Thus, the proposed combination of Chen et al publication with the Chen et al patent still does not establish a *prima facie* case of obviousness for the claimed invention

While the Examiner attempts to use the "admitted prior art" in the rejection of claims 13-14, citing page 1 of applicant's specification, applicants have not admitted that the claimed process as defined by instant claims 13 and 14 (dependent on claim 1) was known in the prior art.

All that applicants have admitted is that a press belt, press foil, or press plate provided with structure surface can be pressed towards the surface during the lamination procedure (specification page 1, last three lines) but does not state that a "press foil provided with a micro structure is arranged on top of the wear layer during the pressing" as claimed in claim 13, or that a "press cushion is arranged between the press foil and press during the pressing" as claimed in claim 14, are part of such admitted prior art. For the foregoing reasons, applicants respectfully submit that the Examiner has no basis to use applicants specification page 1 last three lines as an allegation of the limitation of either claims 13 or 14, have been admitted by applicants to be part of the prior art. Withdrawal of the rejection is therefore respectfully requested.

Having fully responded to the preceding Office Action, favorable reconsideration and withdrawal of all rejections and passage of the application to issue are respectfully requested.

Response to Office Action dated September 29, 2009
U.S. Appl. No. 10/580,255
Atty. Docket No.: 8688.047.US0000

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1437, under Order No. 8688.047.US0000.

Respectfully submitted,

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